REMARKS

In accordance with the foregoing, claims 1 and 2 have been amended. No new matter is being presented, and approval and entry of the foregoing amendments and new claims are respectfully requested.

Claims 1-10 are pending and under consideration. Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicant requests entry of this Rule 116 Response because:

(1) the amendments of claims 1 and 2 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised relative to the interpretation of the claims set forth in the Office Action on pages 2-3; and

(2) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTIONS UNDER 35 U.S.C. §103:

On pages 2-3 of the Office Action, the Examiner rejects claims 1-10 under 35 U.S.C. §103(a) in view of Sims et al. (U.S. Patent 6,957,360) and Torazawa et al. (U.S. Patent 6,339,571). This rejection is respectfully traversed and reconsideration is requested.

By way of review, Sims et al. teaches two media: a traditional media 100 and another media 200. As set forth below, neither media discloses or suggests the recited invention.

Media 100 has zones 1, 2, and 3. Within the zones 1, 2, 3, data is stored using logical addressees corresponding to physical addresses on the media 100. The zones in the media 100 are predefined along physical boundaries such that the zones start at a consistent physical address. Logical slipping is performed relative to the start of each physical zone start address.

In order to locate sectors, a logical start of each zone is calculated, and the number of slipped sectors is determined in order to determine a logical address of a block of interest. (Col. 2, line 57-3, Col. 8, lines 1-5 and 41-54; FIG. 1 of Sims et al.) As the slipping replacement occurs in each zone, there is no suggestion that the spare areas are other than in the corresponding zone such that Sims et al. does not teach the spare area for a group of zones in the FIG. 1 media 100.

While the Examiner asserts that col. 5, lines 53-55, teaches the spare area being set aside at an end of the media, it is noted that col. 5, lines 53-55 relate to the media 200 shown in FIG. 2 and are not suggested for use in the physical sectors such as those shown on the medium 100 of FIG. 1. Indeed, the advancement suggested in Sims et al. is to overcome the deficiencies of the medium 100 using logical zones, which are defined using the parameters SI and SL described in col. 5, lines 53-55 to have an even size such that there is no need to look up a start logical address. (Col. 10, lines 15-55; FIG. 2). As such, Sims et al. does not suggest using the spare areas described in col. 5, lines 53-55, in the context of the medium 100.

Additionally, in the context of medium 200 employing the parameters SI and SL, there is no suggested need to read a stored start logical address for the logical zones since the logical zones are defined to have a predictable size. In this manner, formula determines the logical zone starts instead of utilizing look up tables to find a zone start. Thus, the parameters SI and SL define the logical zones, and there is no suggestion that the actual logical address is recorded or read since the equal size of the zones allows "a straight forward formula to be used to determine zone addresses rather than more cumbersome lookup tables." (Col. 10, lines 25-26 of Sims et al.)

In order to cure this deficiency, the Examiner relies upon the table of contents (TOC) of Torazawa et al. The Examiner asserts that the TOC of Torazawa et al. contains density identification information and stored start addresses of each zone. As a point of clarification, while Torazawa et al. teaches the use of a TOC to store start addresses for zones, there is no suggestion that the stored start addresses are logical as opposed to physical addresses. Instead, Torazawa et al. appears to suggest that the addresses are not logical since the addresses are for the zones defined by concentric zones having different recording densities. (Col. 12, lines 20-23 of Torazawa et al.).

However, even assuming arguendo that Torazawa et al. teaches stored addresses corresponding to the recited stored addresses, Torazawa et al. is drawn to a magneto optical type disk 1 and compatibility with other types of magneto optical type disks, Torazawa et al. does

not suggest that the storage of zone addresses and density issues would achieve compatibility with optical discs such as a DVD like that disclosed in Sims et al.

Further, Sims et al. teaches away from using defect management systems used in magneto optical discs like that in Torazawa et al. since these are more complex and restricted by physical zone definitions than the defect management systems proposed in Sims et al. (Col. 1, lines 52-67, col. 3, lines 25-34). Instead, Sims et al. teaches using SI and SL parameters to replace systems like that defined in Torazawa et al. through the use of logical zone definitions (allowing easy calculation of addresses thereof without resorting to "cumbersome lookup tables" as described in col. 10, line 28). Therefore, it is unclear as to why one skilled in the art would utilize the TOC system described in the magneto optical disk 1 of Torazawa et al. to store zone addresses for physically defined zones in the system proposed by Sims et al., which is suggested to overcome the deficiencies of storing these zone addresses for physically defined zones.

As such, it is respectfully submitted that the combination does not disclose or suggest, among other features, "reading the start position information from the predetermined area of the recording medium, with the predetermined area having the start position information for each zone, the start position information storing a start logical sector number for each of the zones" as recited in claim 1.

Similarly, neither Sims et al nor Torazawa et al. suggest that such information is recorded in a disc definition structure. As such, it is respectfully submitted that the combination does not disclose or suggest "reading the start position information from the predetermined area of the recording medium, with the predetermined area having the start position information for each zone, the start position information storing a start logical sector number for each of the zones, and with the predetermined area being in a disc definition structure area of a defect management area of the recording medium" as recited in claim 2.

Claims 3-10 are deemed patentable due at least to the patentability of claims 1 and 2.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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